UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,873	07/16/2003	Harold E. Mattice	IGT1P096/P-824	1742

22434 7590 11/16/2006

BEYER WEAVER & THOMAS, LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
CROSS, ALAN	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,873	MATTICE ET AL.	
	Examiner	Art Unit	
	Alan Cross	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/17/2003,2/14/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,13,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginsburg et al. (US Patent #6595856). Ginsburg discloses a method of authenticating data within or about a gaming machine, the method comprising: providing a central processing unit for use in conjunction with the gaming machine (abstract, col. 3, 24-34); providing a volatile programmable electronic device for use in conjunction with the gaming machine (col. 3, 53-65); providing a configurator for use in conjunction with the gaming machine; transferring a configuration file from said configurator to said volatile programmable electronic device; configuring said volatile programmable electronic device with said configuration file; and comparing at least a representative portion of data from said configuration file with at least a representative portion of data from a separate custodial file, wherein at least a substantial portion of said separate custodial file is identical to at least a substantial portion of said configuration file (col. 4, 16-29),

and wherein said separate custodial file resides in a location separate from said memory device (col. 3, 50-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-12,14-18,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg.

Regarding claim 2,15: Ginsburg teaches the method of claim 1, wherein said configurator comprises a memory unit. It is well known in the art to have a configuration file for booting up a software or hardware program, and it is inherent to have this own memory.

Regarding claim 3,4,14: Ginsburg teaches the method of claim 2, wherein said memory unit comprises a standard read only memory, and said memory unit comprises

an electrical erasable programmable read only memory (col. 3, 27-30). At the time the invention was made it would be a matter of design choice to a person of ordinary skill in the art so use different types of memory technology. It is well known in the art to use many types of memory, where all these memory can accomplish the same task.

Regarding claim 5,6: Ginsburg teaches the method of claim 1, wherein said said volatile programmable electronic device comprises a Field Programmable Gate Array and wherein said volatile programmable electronic device comprises a Simple Programmable Logic Device or a Complex Programmable Logic Device. At the time the invention was made it would be a matter of design choice to a person of ordinary skill in the art so use different types of memory technology. It is well known in the art to use different types of memory formats for a volatile memory.

Regarding claim 7: Ginsburg teaches the method of claim 1, wherein said central processing unit, said volatile programmable electronic device and said configurator all reside within the gaming machine (col. 1, 59-67, col. 2, 1-18).

Regarding claim 8,16: Ginsburg teaches the method of claim 1, wherein said comparison step is performed by said central processing unit (col. 4, 16-27).

Regarding claim 9,17: Ginsburg teaches the method of claim 8, wherein said custodial file is located within said central processing unit (col. 3, 23-33). It is fully capable of being located in the cpu or any other part of the gaming machine. Ginsburg teaches that this file can be located locally or remote on a network.

Regarding claim 10: Ginsburg teaches the method of claim 1, further comprising the step of: confirming whether said configuration file has been successfully compared to said custodial file to a sufficient level of satisfaction (col. 4, 16-27).

Regarding claim 11: Ginsburg is fully capable of the method of claim 10, wherein said confirming step is performed prior to said transferring step. Ginsburg teaches that the configuration file is suspect until it is verified, so it does not let a machine run the file unless it is verified.

Regarding claim 12: Ginsburg teaches the method of claim 1 wherein said configurator is located within said central processing unit (col. 4, 16-27).

Regarding claim 18: Ginsburg teaches the microprocessor based gaming machine of claim 13, wherein said configurator is located within said central processing unit. It is well known that a microprocessor and cpu's to have a configuration set of instructions to allow control of connected devices.

Regarding claim 20: Ginsburg teaches a method of authenticating data in a microprocessor based machine, comprising: providing a CPU within with the microprocessor based machine; providing an FPGA within with the microprocessor based machine; providing a configurating EEPROM within with the microprocessor based machine; storing a configuration file within said EEPROM; storing a separate custodial file within the microprocessor based machine and separate from said EEPROM, wherein at least a substantial portion of said separate custodial file is identical to at least a substantial portion of said configuration file; holding the operating contents of said FPGA as substantially empty upon a shut down phase of the

microprocessor based machine; booting up the microprocessor based machine; initiating a request to transfer said configuration file from said EEPROM to said FPGA; utilizing said CPU to compare at least a representative portion of data from said configuration file with at least a representative portion of data from a separate custodial file; confirming whether said configuration file has been successfully compared to said custodial file to a sufficient level of satisfaction; and configuring said FPGA with said configuration file (col. 1, 59-67, col. 2, 1-19). It is well known in the art to use different types of memory in combination with other types to complete a task. Many different machines many employ EEPROMS and FPGA's and complete the same task. It is also well known to authenticate software/hardware on startup, predetermined times, upon certain occurrences where it would be obvious to authenticate it on boot up to make sure the software/hardware is legit and to keep errors from occurring later due to not checking the software/hardware in the first place.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alcorn et al. (US Patent #5643086) discloses authenticating gaming software and hardware.

Lyons et al. (US Patent #6722986) discloses authenticating software components for casino gaming machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARC 571-272-5529

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700